

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DION L. BAKER,

Plaintiff,

VS.

DOUGLAS COUNTY CORRECTIONAL)
CENTER,)

Defendants.

8:05cv248

MEMORANDUM AND ORDER

This matter is before the court sua sponte. In filing no. 8, an Order on initial review of the plaintiff's complaint, Magistrate Judge F. A. Gossett stated that he could not determine from the complaint who the intended defendant or defendants in this case may be. Therefore, he ordered the plaintiff to file an Amended Complaint by September 19, 2005, clarifying whom the plaintiff intended to sue, as the court could not issue summons without a clear indication as to the identity of the intended defendant(s).

Subsequently, in filing no. 11, I noted that the plaintiff had not filed an Amended Complaint or otherwise responded to Magistrate Judge Gossett's Order. I granted the plaintiff a further extension of time until October 30, 2005 to file an Amended Complaint clarifying the identity of the defendant(s) in this case. In filing no. 11, I warned the plaintiff that in the absence of an Amended Complaint by October 30, 2005, this case would be subject, without further notice, to dismissal without prejudice.

The plaintiff has still filed no response. Therefore, this case appears to be abandoned and will be dismissed, without prejudice, for lack of prosecution. See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution." A separate judgment will be entered accordingly.

SO ORDERED:

November 18, 2005.

BY THE COURT:

/s/ Richard G. Kopf
United States District Judge